

## **REMARKS**

In accordance with the foregoing, claims 1-5 and 8-15 are amended. No new matter is presented in any of the foregoing and, accordingly, approval and entry of the amended claims are respectfully requested.

Claims 1-5 and 7-15 are pending and under consideration.

### **BACKGROUND**

An Amendment After Final was filed on October 24, 2005 in response to the Final Office action mailed June 22, 2005. In an Advisory Action mailed November 10, 2005, the Examiner indicated that the Amendment After Final would not be entered since they would require further consideration and/or search. (Advisory Action, Continuation Sheet).

In block 11 of the Advisory Action, the Examiner indicated that if the Amendment After Final were entered that rejections under 35 U.S.C. §112, second paragraph would be raised. (See, continuation of block 11 on attached Continuation Sheet). Accordingly, claims 1, 2, 8, and 9, are further amended herein addressing the Examiner's 35 U.S.C. §112, second paragraph concerns raised in the Advisory Action, in addition to those raised in the Final Office Action.

### **ITEM 3: REJECTION OF CLAIMS 1-5 AND 7-15 UNDER 35 U.S.C. §112, SECOND PARAGRAPH, AS BEING INDEFINITE**

In item 3, the Examiner rejects claims 1-5 and 7-15 under 35 U.S.C. §112, second paragraph, as being indefinite.

In item 3Aa, the Examiner contends that the phrase recited by claim 1 "based on a channel type that indicates properties of a channel that generates said process requests" is unclear. Claim 1 is amended herein to indicate that determining is "based on an indication of properties of a channel that generates said process requests and based on services in a queue category."

Applicants point out that as discussed in the specification (see, for example, FIGs. 10 and 11 and page 14, lines 12-14) discussing "queue categories may be modified as needed, based on changes in channel classes", e.g., determining may be based on an indication of properties of a channel and based on services. Withdrawal of the rejection is requested.

In item 3Ab, the Examiner contends that the phrase "processing terminals currently open among channels capable of said real-time process" recited by claims 1, 2, 8, and 9 is unclear. Claims 1, 2, 8, and 9, are amended to clarify the recited process. Withdrawal of the rejection is requested.

In items 3Ac-d, the Examiner contends that claim 2 is unclear because it appears that the second limitations are already covered by the first limitations. Claim 2 is amended to address the Examiner concerns. Withdrawal of the rejections requested. Claims 8 and 9 are amended in a similar manner

In item 3Ae, the Examiner contends the term "open" recited by claims 3, 5, 8-9, and 12-15 is unclear, and is interpreted by the Examiner as "available." Claims 3, 5, 8-9, and 12-15 are amended as suggested by the Examiner, and withdrawal of the rejection is requested.

In item 3B, the Examiner indicates that terms in claim 2 and 3 lack antecedent basis. Claim 2 is amended herein. Regarding claim 3, Applicants submit that the antecedent basis for "the priority level" is provided by claim 2 reciting "non-real-time process request as well as a priority level therefor." Withdrawal of the rejection is requested.

#### **Summary**

Applicants submit that all claims, as amended, comply with 35 U.S.C. 112, second paragraph and request withdrawal of the rejections.

#### **ITEMS 5-9: REJECTION OF CLAIMS 4, 10, AND 11 UNDER 35 U.S.C. §102(b) BY HAIGH**

The Examiner rejects claims 4, 10, and 11 under 35 U.S.C. §102(b) as being anticipated by Haigh.

Claims 4, 10, and 11, all as amended, respectively recite a multi-channel processing control method, a recording medium, and a transmission medium, using claim 4 as an example, "wherein said incoming tasks and outgoing tasks include both real-time and non-real-time process requests arising from channels including, in addition to the processing terminals handled by said operators, Web agents handling process requests generated by Internet web servers, e-mail agents handling process requests generated by e-mail servers, and automatic voice response devices automatically processing incoming signals from public lines. (emphasis added)."

The Action concedes that Haigh does not teach both real-time and non-real-time process requests. (Action at page 6).

As provided in MPEP §706.02 entitled Rejection on Prior Art, anticipation requires that the reference must teach every aspect of a claimed invention. Haigh does not support an anticipatory-type rejection by not describing features recited in the present application's claims.

#### **Summary**

Since features of claims 4, 10, and 11 are not taught by Haigh, the rejection should be withdrawn and claims 4, 10, and 11 allowed.

**ITEMS 5-9: REJECTION OF CLAIMS 1-3, 5, 7-9, AND 12-15 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER HAIGH IN VIEW OF NAOKI ET AL. (JP 07-030946)**

The Examiner rejects claims 1-3, 5, 7-9, and 12-15 under 35 U.S.C. §103(a) as being unpatentable over Haigh in view of Naoki.

**Features Not Taught By Cited Art Alone Or In Combination**

Claims 1, 2, 8, and 9, all as amended, respectively recite a multi-channel processing control device, a method, a recording medium, and a transmission medium, using claim 1 as an example, including "determining whether process requests from a plurality of channels are real-time process requests . . . , or non-real-time process requests . . . based on an indication of properties of a channel that generates said process requests and based on services in a queue category."

The Examiner concedes that Haigh does not teach, for example, requests as real-time or non-real time requests.

As set forth in MPEP §2143.03 "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." Applicants submit that features are not taught by the cited art alone or in combination. Neither Haigh nor Naoki, alone or in combination, teach that such requests are based, for example, on services in a queue category.

Haigh merely teaches (see, for example, col. 2, lines 25-27) a "transaction controller 18 processes transactions received and sent through a transaction interface 24." Naoki does not discuss services in a queue but merely a feeding to a task switching means.

**No Motivation To Combine The Art In A manner As The Examiner Contends**

The Examiner concedes that Haigh does not teach requests as real-time or non-real time requests, but contends the features are taught by Naoki and a combination is obvious.

Applicants submit there is no motivation stated in the art relied on to modify the art in a manner as the Examiner contends. As set forth in MPEP §2144. 04:

(t)he mere fact that a worker in the art could rearrange the parts of the reference device . . . is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation . . . without the benefit of appellant's specification, to make the necessary changes in the reference device.

Applicants submit there is no motivation to modify Haigh's discussed queue of transactions into an appropriate queue (see, for example col. 5, starting at line 45) with a transaction in a queue as discussed by Naoki.

**Summary**

Since *prima facie* obviousness is not established, the rejection should be withdrawn and claims 1-3, 5, 7-9, and 12-15 allowed.

**CONCLUSION**

There being not further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Preliminary Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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